

HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

REC ROOM, INC.,

Plaintiff,

v.

M.Z,

Defendants.

Case No. 2:23-cv-01586-KKE

DECLARATION OF DYLAN SCHMEYER  
IN SUPPORT OF PLAINTIFF'S RESPONSE  
TO THE COURT'S APRIL 1 ORDER TO  
SHOW CAUSE

I, Dylan Schmeyer, declare and state as follows:

1. I am an attorney for Kamerman, Uncyk, Soniker and Klein. I am over 18 years old and make this declaration based on my personal knowledge of the facts relayed herein, and could and would testify competently to the facts set forth herein if called to do so.

2. Olga Plotnikova, M.Z.'s mother, has been our point of contact in this case, at her insistence, since M.Z. was properly served.

3. She submitted an answer on his behalf on March 18, 2024.

4. She participated in several settlement discussions with me and my co-counsel, Akiva Cohen, over the last six months, including on November 27, 2023 and on February 26, 2024.

1           5.       Ms. Plotnikova has been our point of contact for scheduling every conference  
2 we've had with the Defendant, and it was to accommodate the schedule she communicated to us  
3 that the Rule 26f conference occurred on April 1, 2024.

4           6.       Ms. Plotnikova participated in that discussion, alongside M.Z.

5           7.       I reminded them several times in that conference that relevant evidence could not  
6 be deleted.

7           8.       Our firm emailed Ms. Plotnikova on April 2, 2024, asking her whether she would  
8 consent to us filing portions of this Response and the attached Declarations under seal. As of this  
9 writing, she has still not responded. A true and correct copy of that email is attached as  
10

11 **Exhibit A.**

12           I declare under penalty of perjury under the laws of the United States that the foregoing is  
13 true and correct to the best of my knowledge.

14           Executed this 19th day of April, 2024, at Thornton, Colorado.

15  
16  
17                               /s/ Dylan Schmeyer  
18                               DYLAN SCHMEYER

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the parties and to the following:

**Defendant M.Z.**  
c/o Olga Plotnikova  
Email: [oplotnikova@gmail.com](mailto:oplotnikova@gmail.com)

(Per Jan. 25, 2024 agreement to accept email service)

DATED this 19th day of April, 2024.

/s/ Kristin Martinez Clark  
Kristin Martinez Clark

# Exhibit A

**From:** [Akiva Cohen](#)  
**To:** [Olga Plotnikova](#); [Dylan Schmeier](#); [litigation team](#)  
**Cc:** [Hacker 123](#)  
**Subject:** Consent to Seal  
**Date:** Tuesday, April 2, 2024 8:08:38 AM

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Olga, Martin,

1. We will be including M [REDACTED]'s birth date ([REDACTED]) in our response to the Court's order to show cause (happy soon-to-be 18th, by the way! big milestone), so we'll be asking the Court for permission to file that information under seal (i.e. privately, so it does not get posted to the internet, followed by a redacted public version that covers up the birthdate). We need to ask whether you agree the Court should let us file it under seal, or if you oppose and want the Court to require us to file it publicly. (Note - there is no option to say "we just don't want you to file it at all". The only question is whether you agree we can file under seal). Please let us know.
2. Dylan has forwarded me several emails you sent only to him. Please include the [@litigation team](#) email address on your correspondence relating to this case

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**From:** Olga Plotnikova <[oplotnikova@gmail.com](mailto:oplotnikova@gmail.com)>  
**Sent:** Thursday, March 28, 2024 1:28 PM  
**To:** Dylan Schmeier <[dschmeier@kusklaw.com](mailto:dschmeier@kusklaw.com)>  
**Cc:** Hacker 123\_ <[martinzaitchik@gmail.com](mailto:martinzaitchik@gmail.com)>; Mike Dunford <[mdunford@kusklaw.com](mailto:mdunford@kusklaw.com)>; Akiva Cohen <[acohen@kusklaw.com](mailto:acohen@kusklaw.com)>; Deborah Gaynor <[dgaynor@kusklaw.com](mailto:dgaynor@kusklaw.com)>; Kat Farley <[kfarley@kusklaw.com](mailto:kfarley@kusklaw.com)>  
**Subject:** Re: Scheduling a Rule 26f conference

We prefer you call us at [REDACTED].

On Wednesday, March 27, 2024, Dylan Schmeier <[dschmeier@kusklaw.com](mailto:dschmeier@kusklaw.com)> wrote:  
Monday at noon Pacific it is.

Go ahead and call into my conference number at 605-313-5632 on Monday at noon. The access code is 3114661.

Sent from my T-Mobile 5G Device  
Get [Outlook for Android](#)

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**From:** Olga Plotnikova <[oplotnikova@gmail.com](mailto:oplotnikova@gmail.com)>  
**Sent:** Wednesday, March 27, 2024 1:10:36 PM  
**To:** Dylan Schmeier <[dschmeier@kusklaw.com](mailto:dschmeier@kusklaw.com)>  
**Cc:** Hacker 123\_ <[martinzaitchik@gmail.com](mailto:martinzaitchik@gmail.com)>; Mike Dunford <[mdunford@kusklaw.com](mailto:mdunford@kusklaw.com)>; Akiva Cohen <[acohen@kusklaw.com](mailto:acohen@kusklaw.com)>; Deborah Gaynor <[dgaynor@kusklaw.com](mailto:dgaynor@kusklaw.com)>; Kat Farley

<kfarley@kusklaw.com>

**Subject:** Re: Scheduling a Rule 26f conference

Monday at noon our time works. Thanks

On Monday, March 25, 2024, Dylan Schmeyer <[dschmeyer@kusklaw.com](mailto:dschmeyer@kusklaw.com)> wrote:

We can do that. What's your availability on the 1<sup>st</sup>?

Dylan M. Schmeyer

**Kamerman, Uncyk, Soniker & Klein, P.C.**

719-930-5942

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**From:** Olga Plotnikova <[oplotnikova@gmail.com](mailto:oplotnikova@gmail.com)>

**Sent:** Friday, March 22, 2024 3:03 PM

**To:** Dylan Schmeyer <[dschmeyer@kusklaw.com](mailto:dschmeyer@kusklaw.com)>

**Cc:** Hacker 123\_ <[martinzaitchik@gmail.com](mailto:martinzaitchik@gmail.com)>; Mike Dunford <[mdunford@kusklaw.com](mailto:mdunford@kusklaw.com)>; Akiva Cohen <[acohen@kusklaw.com](mailto:acohen@kusklaw.com)>; Deborah Gaynor <[dgaynor@kusklaw.com](mailto:dgaynor@kusklaw.com)>; Kat Farley <[kfarley@kusklaw.com](mailto:kfarley@kusklaw.com)>

**Subject:** Re: Scheduling a Rule 26f conference

We are away for spring break. Following week would work better. We would prefer conference call ([REDACTED]). Thanks. Olga

On Friday, March 22, 2024, Dylan Schmeyer <[dschmeyer@kusklaw.com](mailto:dschmeyer@kusklaw.com)> wrote:

Martin,

We've received and reviewed your answer to Rec Room's complaint. Under the Federal Rules of Civil Procedure, the next required step is to have a discovery conference, called a Rule 26(f) conference, about the following topics:

1. The scheduling of the case
2. How we're going to do discovery
3. Any alternative dispute resolution methods, such as mediation, we're willing to undertake
4. Our baseline procedures for the transfer of electronically stored information (ESI).

And other items of that nature.

We'd like to have that conference over Microsoft Teams, or your preferred conferencing software. What is your availability on Monday? I estimate it'll take in the range of 30-45 minutes.

Dylan M. Schmeyer

**Kamerman, Uncyk, Soniker & Klein, P.C.**

719-930-5942